

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF EXAMINERS OF
ELECTRICAL CONTRACTORS

IN THE MATTER OF THE
LICENSE OF

THOMAS L. HARRIS, JR.
License #2547

TO PRACTICE ELECTRICAL
CONTRACTING IN THE STATE
OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Examiners of Electrical Contractors ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a licensed electrical contractor in the State of New Jersey, and has been licensed at all times relevant hereto.
2. In a letter sent by certified and regular mail, and dated July 30, 2001, respondent was asked to appear at an investigative inquiry held by the Board with regard to a complaint filed by an Electrical Subcode Official of the City of New Brunswick. Although the record reflects that respondent received the certified mail on

August 10, 2001, respondent did not appear at the inquiry.¹

3. In a letter dated November 19, 2001, sent by certified and regular mail, respondent was informed that another investigative inquiry would be scheduled at which respondent would be asked to appear. In addition, respondent was asked to furnish the Board with a copy of his certificate of general liability, his bond, and a list of his employees. Regular mail was not returned. Certified mail was returned unclaimed.

4. In a letter dated November 29, 2001, the Board asked respondent to appear at an investigative inquiry scheduled for January 16, 2001. Regular mail was not returned. Certified mail was returned unclaimed.

5. The letters indicated supra, sent on July 30, 2001, November 19, 2001 and November 29, 2001, were all sent to respondent's address of record.

CONCLUSIONS OF LAW

1. Respondent's failure to appear at two investigative inquiries, and his failure to furnish the Board with the requested documents, constitute a failure to cooperate with an investigation of the Board pursuant to N.J.A.C. 13:45C-1.2.

2. This failure to cooperate consequently subjects respondent to sanctions pursuant to N.J.S.A. 45:1-21(h) (failure to comply with act or regulation administered by the Board).

¹ Rafael Suriel, an unlicensed person who was the subject of the same complaint filed against Mr. Harris, appeared before the Board at the scheduled inquiry and testified under oath that he had stopped at Mr. Harris's home to pick him up on the day of the inquiry, but that Mr. Harris stated he was not coming.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on March 13, 2002, imposing a civil penalty of \$1000 and suspending respondent until he appeared before the Board to assist its investigation with his testimony, and furnished the Board with the materials requested in the Board's letter of November 29, 2001. Respondent was also directed to return his pressure seal to the Board within ten days following the finalization of the Order. A copy of the Order was forwarded to respondent at the last known address on file with the Board. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

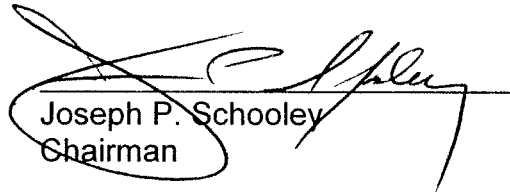
Although the Provisional Order sent by means of certified mail was returned as unclaimed, the regular mail was not returned. Because the Order was forwarded to respondent's address of record, the Board deems service to have been effected. Accordingly, it determined that further proceedings were not necessary, and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 6th day of June, 2002,
ORDERED that:

1. Respondent is hereby assessed a civil penalty pursuant to N.J.S.A. 45:1-25 in the amount of \$1000.

2. Respondent is hereby suspended pursuant to N.J.S.A. 45:1-21 unless and until he has appeared before the Board to assist its investigation with his testimony, and furnished the Board with the materials requested in the Board's letter of November 29, 2001, attached hereto. Respondent is directed to return his pressure seal to the Board within ten days following the finalization of this Order.

STATE BOARD OF EXAMINERS
OF ELECTRICAL CONTRACTORS



Joseph P. Schooley
Chairman